

ratories in which animals are treated inhumanely. The patient work in the moral philosophy of biology this book exemplifies—fortunately, many other philosophers are making the same kind of effort—“may seem excessively incremental or moderate to some people,” Jamieson concedes (340). If moral progress is indeed possible, however, a book of this kind shows how.

MARK SAGOFF
University of Maryland

Kuper, Andrew. *Democracy beyond Borders: Justice and Representation in Global Institutions*.

New York: Oxford University Press, 2004. Pp. 228. \$95.00 (cloth).

Recent questions raised in the arena of liberal domestic justice have become a major focus of controversy in response to current interest in the international dimension of the debates. While there are various approaches and ways of framing the issues of international justice, ranging in scope from global egalitarianism to extended nationalism and limited globalism, they all underscore the need for effective political and institutional directives that would adequately respond to the challenges of the new global order. Andrew Kuper's book is a bold and innovative study of this new prospect.

Kuper argues that global governance should be restructured to make it more accountable to public interests and more responsive to human needs. Toward that end, he suggests a reconfiguration of international institutions and an “unbundling” of national sovereignty under the broad rubric of what he terms “responsive democracy.” The idea calls for a cosmopolitan vision of justice that questions the statist notion of Rawlsian international justice. Contra Rawls, Kuper extends to the global discourse the liberal ideal of individuals as free and equal and claims that his institutional cosmopolitanism responds better to the challenges of pluralism in a divided world than Rawls's law of peoples. Kuper also argues that the kind of institutional innovation that his theory of responsive democracy envisions better accommodates individual representation in governance than Habermas's influential model of deliberative democracy.

All this is a tall order, and Kuper himself acknowledges the fact. This is both an asset and a drawback of the book—its encapsulated and focused form offers an innovative trajectory toward an institutional rearrangement in the global order that would be democratically responsive, but its drawback is that the theoretical nuances of his seemingly promising ideas are essentially undeveloped. Nonetheless, Kuper's ideas of democratic representation have vast implications for international law, global justice, and human rights.

Given the steady erosion of state sovereignty in today's globalized world and the pervasive state failure to respond to its citizens' needs, Kuper argues that both liberalism and democracy—the two most viable norms for political legitimacy—need to be wrested out of the sole jurisdiction of states and made workable in a nonstatist framework. This is the basis of his “moral cosmopolitanism”—a blend of both the normative concern for equality and the practical

need for efficiency—that constitutes his account of political legitimacy modeled after liberal democracy extended to global governance. It demands a dispersion of sovereignty across territorial units and nonterritorially based agencies, spanning local, regional, and global institutions. Thus, sovereignty is functionally dispersed both for the sake of fair political representation and to accommodate the increasingly critical global reality of overlapping jurisdictions of participation.

In view of the standard critique of cosmopolitanism—that it is unrealistic and utopian in a world lacking a plausible mechanism of international enforcement—Kuper's reminder of the functionally differentiated global scheme helps to make his cosmopolitanism look more credible. Given the global nature of today's politics, commerce, and institutions and the many existing measures in the current international system that are designed to enforce order and human rights—Kuper cites many of them—it is prudent to take seriously the cosmopolitan implications of political legitimacy.

But to Kuper's credit, he doesn't let the practical or the prudential trump the ideal, for he rightly notes that to compromise the ideal theory for the sake of the status quo is to give in to a *modus vivendi* which is far from global justice. His account of political legitimacy has the liberal idealistic bent whereby individuals, not the Rawlsian peoples, are the "normative epicenters" of global justice (45). But this idealism is reinforced—not toned down—by the practical efficacy of multiple levels of territorially nested jurisdictions ("plurarchy," as Kuper calls this structure). Accordingly, he thinks that Rawls, by compromising his earlier liberal egalitarianism in favor of an undue deference to cultural pluralism in his law of peoples, loses out on both counts, being neither sufficiently utopian nor appropriately practical.

This approach toward a theory of global justice seems to minimize the gap between the normative ideal and the political reality so endemic in abstract cosmopolitanism, although the gap still exists. But this is not only inevitable in a normative discourse; it is in another sense desirable. As important as it is to make vivid the need for a realistic assessment of moral pronouncements, it is also necessary to emphasize the importance of moral imperatives in world affairs. Normative claims of justice and fairness have an important role not only in setting the ideal but in practice as well.

For instance, although international relations are usually guided by power and self-interest, the concept of fairness is invariably brought in when there is a dispute. This is evident in international trade agreements, environmental policies, and other mutually agreed-upon treaties and in military ventures as well. Although hegemonic interests may often be couched under the pretense of moral imperatives in so-called humanitarian military interventions, it is the normative ideal, usually under the broad rubric of a just-war doctrine, that gives military ventures their legitimacy. Kuper himself discusses humanitarian intervention as an illustration of the practical application of ideals whereby less drastic means than force may prove to be more efficacious—based on the normative ends of his moral cosmopolitanism.

Accordingly, to distill ideal theory of its normative imperative for ready strategies of enforcement is to misunderstand the role of the ideal in practice. Besides, such strategies do not necessarily have a better leverage for implemen-

tation in the real world than the normative approach. The crucial issue seems to hinge on the task of showing how the ideal theory can be conceptualized within an institutional and political setting so that it is workable as a guiding moral principle. To do this, one need not compromise or tone down the ideal theory but should show how it can be blended with nonideal theory.

Kuper seems to be mindful of all this as he lays down his strategy for devising a viable “global institutional configuration” based on his cosmopolitan ideals of justice and legitimacy (45). What is missing from his discussion is a nuanced and well-developed articulation—sufficiently rich in conceptual details—of the ideal theory itself and how it blends with nonideal theory with respect to his key concepts of cosmopolitan justice, democratic representation, sovereignty, and conflicting rights of groups and individuals, to name just a few.

For instance, Kuper develops his theory of cosmopolitan justice as a critique of Rawls’s law of peoples, which may be a good start, but he needs to give the reader the conceptual details of the positive thesis of his theory, which he doesn’t. Kuper’s cosmopolitan “law of persons,” as he calls it, is very sketchy as a theory, although it holds much promise. The law of persons may be reasonably free from some of the drawbacks of the law of peoples, but it may have its own limitations that Kuper doesn’t spell out. Theories of global justice with individuals as the basic units of justice have been proposed and critiqued in recent times. Kuper’s readers would have benefited had he engaged in more detail any questions regarding the other theories’ merits and demerits and how his own theory might compare with them.

Even with his critique of Rawls, there’s room for doubt. Kuper asserts that Rawls’s law of peoples is not sufficiently practical because it is an idealized theory that has hypothetical ideas of inclusion but no real-life institutional guidelines for political representation at the individual level. Others have argued, on the contrary, that Rawls’s emphasis on the practice of public discourse among agents with diverse perspectives and his narrow construal of human rights in international justification and criticism of governments’ conduct can be the basis for an effective practical-political account of rights and international justice. This they prefer over the foundational ideals of rights, prevalent among philosophers but which prevail nowhere. Sympathy to this broadly Rawlsian methodology is not entirely unfounded. If Kuper would call the Rawlsian turn to the global issues a poster case to “eternalize the violation of right,” following Kant (“Perpetual Peace,” in *Kant’s Political Writings*, trans. and ed. Hans Reiss [Cambridge: Cambridge University Press, 1991], 119–25), then it would seem he is unduly dismissive of an entire genre of literature in political theory that finds Rawls broadly useful. Kuper may well be right, but he would have a more convincing case if he were to engage in more theoretical detail with the sympathizers of Rawls.

Similarly, in critiquing Habermas, Kuper is too dismissive of the entire project of deliberative democracy. For Kuper, construing deliberation as an egalitarian forum for representation doesn’t work because it is based on an idealized view of reality that fails to take note of the asymmetry of power and knowledge. What Kuper does not take note of is that, not unlike him, a new genre of scholars addresses the issue of egalitarian representation in a pluralistic world, but it does so through the lens of deliberative democracy that includes a critique of

some dominant approaches to deliberative democracy (again, not unlike the one that Kuper offers of Habermas). But primarily, these scholars take liberalism to task by showing the limitations of what they call the *a priori* liberal approaches to the problem. They argue that the issue of democratic representation in a pluralistic world is essentially a political one, requiring a strategic response, not a liberal normative resolution because the conflict, regardless of its appearance, is not a clash of liberalism versus illiberalism. For them, an *a priori* normative framing at the foundational level tilts the discourse in favor of liberalism, resulting in the marginalization and alienation of minority groups (and individuals) that differ from the mainstream liberal ideology. So they offer a resolution to the liberal dilemma of respecting individual rights and cultural pluralism by reframing the conflict through the lens of deliberative democracy.

Some rights-based liberals also have done promising work to find a middle ground between abstract egalitarian universalism and cultural specificity to validate the “situatedness” of the normative ideal of the liberal human rights enterprise within a democratic setting. Appealing to realities of current global practice, they emphasize the actual vitality of cross-cultural discourse concerning human rights and the heterogeneity of religious and cultural communities that tend to be treated as uniformly committed to restrictive views. This is a direction where abstract liberalism committed to universal egalitarianism becomes situated and negotiable by adopting some version of deliberative democracy.

Instead of being so dismissive of deliberative democracy based on a critique of Habermas, Kuper should have been open to some of the more promising ramifications of the theory that are coming out in recent literature. His ideas of responsive democracy may still prevail over the rival ideas, but a detailed engagement with alternative challenges would have made his position more credible.

A similar lack of nuanced details is evident with respect to his other key ideas. Kuper suggests several concrete institutional reforms as well as the granting of limited sovereignty over a network of intergovernmental and nongovernmental organizations specific to their missions, resulting in an overhauling of global governance and unbundling of national sovereignty. All this has vast implications for international law, but although Kuper displays a judicious understanding of the way global institutions and organizations operate, he doesn’t get into the details about whether all these reforms are feasible and sustainable within the framework of international law.

The lack of an international legal paradigm in the face of rapid internationalism makes vivid the problem of global governance. That, in turn, is problematic for the prospect for a viable theory of global justice and democratic global governance. International law is not yet equipped to respond adequately to the demands of cosmopolitan justice, just as it has yet to work out the moral and legal implications of the new and fluid dynamics of sovereignty. Positivism and state sovereignty still being the operating norms in international law, the challenge to work out the moral foundations for a legal framework for governing the newly emerging international society rests not only in suggesting specific institutional reforms but, more fundamentally, on reconceiving the cosmopolitan reach of international law.

Kuper’s decision not to focus on this aspect of international law makes his

otherwise innovative and bold study a bit one-sided. Also, some of his important assertions seem sketchy in regard to alternative theories (based on a selective focus on a few prominent instances) and due to the lack of details about his own positive theses. Nonetheless, his book is an important contribution to the pressing project of construing a realistic normative theory for an equitable global governance.

DEEN K. CHATTERJEE
University of Utah

Lear, Gabriel Richardson. *Happy Lives and the Highest Good: An Essay on Aristotle's "Nicomachean Ethics."* Princeton, NJ: Princeton University Press, 2004. Pp. vii+238. \$37.95 (cloth).

Aristotle's *Nicomachean Ethics* (*NE*) is, and has been considered, for, say, the past few decades, to be one of, if not the most, influential of ethical treatises from the past for current research in moral philosophy. Yet it is one of the most disputed works in the whole history of ethics. And the controversy is not on details but on key issues such as *akrasia*, the role and status of *phronêsis*, the role of emotions, and so on. And, as if that weren't paradoxical enough, perhaps the most vividly disputed question is on the very central and leading theme of this whole eudaemonistic enterprise: what is eudaemonia?

As is well known, the interpretative terrain is quite clearly divided into two camps. The first kind of interpretation, labeled 'inclusive', sees happiness as a whole whose parts, which are the intellectual as well as the ethical "virtues" or "excellences," are constituents; a person lacking, say, courage, wouldn't be considered to be living a happy life. The second kind of interpretation, labeled 'dominant' or 'monistic' (or 'exclusive', but that term is probably too strong), considers happiness as mainly, or "dominantly," a life of "contemplation" (*theôria*), the other virtues or excellences, including *phronêsis*, which is practical wisdom, being either tools for contemplation or, in one way or another, dependent on contemplation. That is the interpretative camp Gabriel Richardson Lear aims to defend.

Let's say it from the beginning: together with Richard Kraut's important book (*Aristotle on the Human Good* [Princeton, NJ: Princeton University Press, 1989]), this book is the most extensive and powerful defense of a "dominant" reading; Lear's fresh and new ways of reading well-known, and puzzling, passages from *NE* offer no less than a new way of understanding *NE* as a whole, and she manages to provide very consistent answers to most of the difficulties and puzzles interpreters have been trying to solve during the past four decades of a very crowded literature (since Hardie's article, where the labels 'inclusive' and 'dominant' appeared). Yet, putting my cards on the table, since I think (like many others and, perhaps, the majority of Aristotelians, and more generally, scholars of ancient philosophy) that an "inclusive" reading is after all the better camp, I suggest providing a very rough summary of her main arguments, before trying to reply to some of them.

Copyright of Ethics is the property of University of Chicago Press and its content may not be copied or emailed to multiple sites or posted to a listserv without the copyright holder's express written permission. However, users may print, download, or email articles for individual use.